

CHAPTER 101

H.P. 1632 - L.D. 2135

**Resolve, Regarding Legislative Review of Chapter 21:
Statewide Standards for Timber Harvesting in Shoreland
Areas, a Major Substantive Rule of the Department of
Conservation**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate action on this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, regulatory consistency continues to be an important public policy goal for the health of Maine's forest economy and natural resources; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption not authorized. Resolved: That final adoption of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a provisionally adopted major substantive rule of the Department of Conservation, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is not authorized; and be it further

Sec. 2. Report. Resolved: That the Commissioner of Conservation, no later than January 2, 2003, shall report back to the joint standing committee of the Legislature having jurisdiction over forestry matters with recommendations for a regulatory framework and an implementation plan for the Maine Forest Service to assume existing responsibilities of the Department of Environmental Protection and the Maine Land Use Regulation Commission for timber harvesting in shoreland areas. The regulatory framework and implementation plan must allow municipalities to voluntarily accept the Maine Forest Service's authority for enforcement of timber harvesting standards in shoreland areas. The recommendations must be based on the purposes of the Maine Revised Statutes, Title 12, chapter 206-A and Title 38, chapter 3, and the sustainability standards established under Title 12, section 8876-A. The commissioner shall review the provisionally adopted rule submitted to the Legislature on February 15, 2002 and use that proposed rule as a starting point for conferring with interested parties and determining which provisions to recommend for implementation. The primary objectives of the review are to reduce inconsistencies in existing state laws and rules and to consider a regulatory framework that is less prescriptive and more results-oriented when appropriate and that is balanced with existing environmental, land use and forest practices laws.

In conducting the review, the commissioner shall solicit input from representatives of the forestry industry, state agencies, municipalities, nonindustrial landowners, environmental groups, legislators and members of the public and shall provide ongoing public forums to discuss and receive input on the elements of the review and plan. The commissioner shall involve municipalities concerning their interests in developing and accepting greater statewide consistency of laws governing timber harvesting in shoreland areas. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters of the public forums and shall provide interim reports to the committee throughout the review period. The interim

reports must include information on the provisions that the department believes can be implemented based on discussions with the interested parties and provisions that require further discussion or guidance before implementation.

The final report must include proposed changes to existing laws and rules necessary to implement the regulatory framework and implementation plan; and be it further

Sec. 3. Legislation authorized. Resolved: That the joint standing committee of the Legislature having jurisdiction over forestry matters may report out a bill to the First Regular Session of the 121st Legislature to implement any or all of the provisions of the plan recommended under section 2 or revisions to the plan approved by the committee.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.